

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LEGACY RECORD, INC., a Nebraska
corporation;

Plaintiff,

vs.

DOES 1 THROUGH 50,

Defendant.

8:23CV519

ORDER

This matter comes before the Court after a review of the docket and pursuant to NECivR 41.2, which states in relevant part: “At any time, after appropriate notice, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

Plaintiff sued fifty John Does (“Doe Defendants”) and three named Defendants: Louis Vincent Mbullo (“Mbullo”), Tunescape Limited (“Tunescape”), and Ziiki Holdings PVT Ltd. (“Ziiki”). Plaintiff has not progressed its case against the Doe Defendants. The Clerk entered default pursuant to Fed. R. Civ. Proc. 55(a) as to the named Defendants on May 21, 2024. Filing Nos. [16](#) and [18](#). Plaintiff subsequently moved for default judgment against all three named Defendants. [Filing No. 21](#).

On October 15, 2024, the Court denied Plaintiff’s motion for default judgment against Tunescape and Ziiki without prejudice for lack of personal jurisdiction because Plaintiff failed to allege or demonstrate these Defendants established minimum contacts with Nebraska. [Filing No. 23](#). The Court also denied Plaintiff’s motion for default judgment against Mbullo in part but found default judgment appropriate as to Plaintiff’s claims for breach of contract and accounting. Plaintiff has since progressed its remaining claims against Mbullo. See, e.g., [Filing No. 25](#) (motion for permanent injunction against Mbullo);

see *also* [Filing No. 30 at 2](#) (dissolving the Court's prior show cause order after Plaintiff responded and filed the motion for permanent injunction). It has not, however, further progressed its claims against Tunescape, Ziiki, or the Doe defendants.

Plaintiff has a duty to prosecute its claims against the Doe Defendants and defaulted Defendants Tunescape and Ziiki. Plaintiff may, for example, renew its motion for default judgment against Tunescape and/or Ziiki and/or take any other action as appropriate, including voluntarily dismissing any claims Plaintiff no longer intends to prosecute.

Accordingly,

IT IS ORDERED that Plaintiff shall have until June 20, 2025 to show cause why its claims against (1) the Doe Defendants and (2) Tunescape and Ziiki shall not be dismissed pursuant to NECivR. 41.2 for want of prosecution. The failure to timely comply with this Order may result in the dismissal of Plaintiff's claims against one or all of these Defendants without further notice.

Dated this 20th day of May, 2025.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge